



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Receive Report Regarding Status of Mobile Food Vendor Enforcement Efforts
MEETING DATE: March 3, 2010
PREPARED BY: Blair King, City Manager

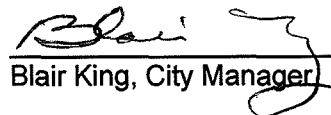
RECOMMENDED ACTION: Receive report regarding status of mobile food vendor enforcement and hold in abeyance further City Council action concerning enforcement and/or compliance.

BACKGROUND INFORMATION: On November 28, 2009, during the course of Council deliberation of the amendment to the mobile food vendor ordinance, the issue of enforcement was raised. The City Council questioned the status of enforcement and whether the Municipal Code provided sufficient deterrents to achieve the level of compliance desired. The Council asked that enforcement of the mobile food vendor ordinance be a priority and that the Police Department consider whether additional enforcement tools and/or policies are needed.

For the past several months, the Police Department developed procedures to review and inspect mobile food vendors and offers the attached report. The Police Department developed a new inspection checklist and utilized that list to ensure compliance in unannounced inspections. The Police Department will, at a minimum, make quarterly inspections of all permitted mobile food vendors. Enforcement of Lodi Municipal Code 9.18 concerning mobile food vendors remains a high priority. In 2009, 19 administrative citations were issued to mobile food vendors.

The Police Department feels that the current language of the Municipal Code provides the necessary means to ensure compliance and that additional ordinance changes are not needed at this time.

FISCAL IMPACT: Not applicable.


 Blair King, City Manager

APPROVED: 
 Blair King, City Manager

Memo

To: David Main, Chief of Police
From: Jeanie Biskup, Support Services Manager
Date: 2/22/2010
Re: **Staff** Report – Mobile Vendors

History: The mobile vendor permitting process was handled through the Community Development Department, which provided periodic updates to Community Improvement for enforcement purposes. This caused a delay in addressing complaints and confusion on where vendors were in the permitting process since the paperwork was not readily available to Community Improvement staff. It was determined that having the permitting process and enforcement fall under Community Improvement would assist in providing a more uniform process of handling mobile vendor issues.

Community Improvement was officially scheduled to assume responsibility for the mobile vendor permit program on January 1, 2010. On 12/2/2009 the City Council enacted a change in the L.M.C. Chapter 9.18 Vending on the Streets, sidewalks and private property which placed a cap on the number of vendor permits issued to 22 motorized food preparation units and 3 produce/seafood trucks.

Implementation of Revised Permit Process: Staff began preparing for the transition in October, 2009 by reviewing the permitting process. Vendor application packets were redesigned and the information is provided in English and Spanish. In mid December the annual permit packet was hand delivered to all vendors, both those with and without current permits. Vendors were given until 1/15/2010 to complete and submit their permit application. To date 20 mobile vendor permits have been issued and 1 permit has been issued for a produce/seafood truck. Staff will deliver a vendor permit application packet to all permitted mobile vendors in December of each year.

Inspections: All permitted mobile food vendors and produce trucks will receive a quarterly inspection by a Community Improvement Officer. A Quarterly Inspection Checklist has been developed to facilitate the inspection process.

Staff will be checking the following:

- The location of the vehicle matches the permitted location
- Permit is on display and available
- All staff vending have a peddler permit
- Vehicle is registered and insured
- Availability of restroom facilities
- Condition of the area, structures or awnings, adequate trash receptacles, etc.

On January 27, 2010 all permitted vendors were contacted in person and their sites inspected. Vendors were provided with a copy of the Quarterly Inspection Checklist and a letter outlining what staff will be looking at. These will be drop-in inspections, with no announcement of dates/times.

Enforcement: Staff is taking a pro-active approach in dealing with Mobile Vendor issues. Our goal is to educate the vendors on the requirements to operate their business in Lodi and to build a strong working relationship with them. Community Improvement Officers will maintain ongoing contact with Mobile Food Vendors in their Districts, not relying solely on the quarterly inspections. Any permitted vendor in violation of the ordinance will be issued a citation to correct the violation.

Staff will also be approaching all vendors they see while on regular patrols including ice cream carts and flower vendors. Any vendor operating without a permit will be issued a citation and provided with the information on how to apply for a permit.

In 2009 staff issued 19 Administrative Citations to mobile food vendors. So far in 2010 two have been issued. One of the citations was issued on 1/27/10 when staff discovered a mobile vendor at Lodi and Central operating without a permit and having staff working without a peddlers permit.

Conclusion: The current Lodi Municipal Code 9.18 covering vending on the streets provides staff with the means to properly screen applicants, issue permits, and monitor mobile vendors. The newly revised permitting process through Community Improvement will ensure that all requirements for mobile vending are met prior to the permit being issued. Staff will visit mobile vendor locations regularly, as well as conduct complete on-site quarterly inspections reviewing all ordinance requirements. Citations will be issued to mobile vendors not in compliance with the Lodi Municipal Code.

Mobile Vendors

Lodi Police Department
Community Improvement
March, 2010

Background

- Permitting process handled by Community Development with Community Improvement providing enforcement
- The permitting process and enforcement under Community Improvement will enhance our ability to monitor mobile food vendors.
- Preparations for transition began 11/09
- Council approved revision in 12/09 placing limits on number of mobile vendors
- December Community Improvement implemented program for vendors to acquire 2010 permits.

Mobile Vendor Permit Process

- Community Improvement review and issue permits to mobile vendors
- Application packets have been updated and are available in English and Spanish.
- Staff hand-delivered in permit renewal packets in December
- Requirements have been verified and 20 mobile vendors have been issued 2010 permits to date.
- 3 produce and ice cream vendors have 2010 permits
- Staff notified all permitted vendors in Jan., 2010 that unannounced quarterly inspections will be conducted.

Quarterly Inspections

- Staff will check the following:
 - The location matches the permitted location
 - Vendor Permit is on display and available
 - City of Lodi business license is on display and current
 - All staff vending have a peddler permit
 - Vehicle is registered and insured
 - Verify availability of restroom facilities
 - Condition of area, clean, adequate trash receptacles
 - Any unpermitted structures or awnings on site
 - Any unpermitted signage being used

On-going Enforcement

- Staff will maintain contact with mobile vendors in their districts to ensure ongoing compliance
- Vendors seen/reported to be operating without a permit or not in compliance will be inspected
- Citation will be issued when in violation
- 24 citations have been issued since 8/09 to mobile vendors
- Special enforcement will occur during events that draw mobile vendors

Conclusion

- Vendor permits and enforcement under Community Improvement staff will provide more oversight and issues can be handled in a more timely manner
- Revised application process ensures requirements of LMC 9.18 are met prior to permit issuance
- Temporary vendor permits are not being issued.
- Increased inspections and ongoing enforcement will address issues as they occur
- The current ordinance coupled with the updated permit process and inspection program will increase compliance and improve overall customer service.